

Agriculture—House bills Nos. 61, 97, 96, 76, 73, 95.

Revenue and Taxation—House bills Nos. 55, 26.

Appropriations—Senate bills Nos. 20 and 3; House bill No. 23.

The following standing committee filed unfavorable report today on bill as follows:

State Affairs—House bill No. 40.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 30, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 5, A bill to be entitled "An Act making appropriation to pay salaries of judges, and the support of the Judicial Department of the State government for the two years beginning September 1, 1923, and ending August 31, 1925,"

And find the same correctly engrossed.
PRICE, Vice Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, May 1, 1923.
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 4, Inviting Hon. W. J. Bryan to address the Legislature,

Have carefully compared the same, and find it correctly enrolled, and have this day, at 10:30 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

THIRTEENTH DAY.

(Wednesday, May 2, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Atkinson.
Amsler.	Avis.
Arnold.	Baker of Milam.

Baker of Orange.	Martin.
Barker.	Mathes.
Barrett.	Maxwell.
Beasley.	Melson.
Bell.	Merritt.
Bird.	Miller.
Bryant.	Montgomery.
Burmeister.	Moore.
Cable.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Coffee.	Patman.
Collins.	Patterson.
Covey.	Perdue.
Cowen.	Pinkston.
Culp.	Pool.
Davenport.	Pope.
Davis.	Potter.
DeBerry.	Price.
Dielmann.	Purl.
Downs.	Quaid.
Driggers.	Quinn.
Duffey.	Rice.
Dunlap.	Robinson.
Dunn.	Rogers.
Durham.	Rountree.
Edwards.	Rowland.
Fields.	Russell
Finlay.	of Callahan.
Fugler.	Sackett.
Gipson.	Sanford.
Greer.	Satterwhite.
Hardin of Erath.	Shearer.
Harrington.	Shires.
Harris.	Simpson.
Henderson	Smith.
of Marion.	Sparkman.
Henderson	Stell.
of McLennan.	Stevens.
Hendricks.	Stewart
Houston.	of Edwards.
Howeth.	Stewart of Jasper.
Irwin.	Stewart of Reeves.
Jacks.	Stiernberg.
Jennings.	Storey.
Johnson.	Strickland.
Kemble.	Stroder.
Lackey.	Sweet.
Laird.	Teer.
Lane.	Thompson.
LeMaster.	Thrasher.
LeSturgeon.	Turner.
Lewis.	Vaughan.
Loftin.	Wallace.
Looney.	Wells.
McBride.	Westbrook.
McDaniel.	Williamson.
McDonald.	Wilmans.
McFarlane.	Wilson.
McKean.	Winfree.
McNatt.	Young.

Absent.

Carter of Coke.

Chitwood.	Hardin
Crawford.	of Kaufman.
Dinkle.	Hughes.
Dodd.	Hull.
Frnka.	Lamb.
Green.	Wessels.

Absent—Excused.

Baldwin.	Faubion.
Blount.	Jones.
Bonham.	Lusk.
Carpenter	Merriman.
of Dallas.	Russell of Trinity.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Faubion for today, on motion of Mr. Shearer.

Mr. Carpenter of Dallas for today, on motion of Mr. Irwin.

Mr. Jones for today, on motion of Mr. Quaid.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Patman:

H. B. No. 121, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding thereto a new article to be numbered Article 7384d, said article extending the provisions of said chapter so as to include individuals, companies, associations or corporations, owning, operating or controlling an establishment in this State for the manufacture or distribution, at wholesale, of plumbing material or plumbers' equipment and supplies, levying a tax of one-half of one per cent on the gross receipts of said individuals, companies, associations or corporations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patman:

H. B. No. 122, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of the

State of Texas, 1911, relative to the levy of occupation taxes, based on gross receipts, by adding thereto a new article to be numbered Article 7384c, said article extending the provisions of said chapter so as to include individuals, companies, associations or corporations owning, operating or controlling an establishment in this State for the manufacture or distribution, at wholesale, of well drilling rigs or oil well supplies and equipment, levying a tax of one-fourth of one per cent on the gross receipts of said individuals, companies, associations or corporations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patman:

H. B. No. 123, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding thereto a new article to be numbered Article 7384t, said article extending the provisions of said chapter so as to include individuals, companies, associations or corporations owning, operating or controlling an establishment in this State for the manufacture or distribution, at wholesale, of casings, tires, tubes, parts, accessories and supplies for motor vehicles, levying a tax of one-fourth of one per cent on the gross receipts of said individuals, companies, associations or corporations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patman:

H. B. No. 124, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding thereto a new article to be numbered Article 7384k, said article extending the provisions of said chapter so as to include individuals, companies, associations or corporations owning, operating or controlling an establishment in this State for the manufacture or distribution, at wholesale, of drugs and druggist sundries, levying a tax of one (1) per cent on the gross receipts of said individuals, companies, associations or corporations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patman:

H. B. No. 125, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding thereto a new article to be numbered Article 7384f, said article extending the provisions of said chapter so as to include individuals, companies, associations or corporations owning, operating or controlling an establishment in this State for the manufacture or distribution, at wholesale, of stationery, office furniture and office supplies, levying a tax of one-half of one per cent on the gross receipts of said individuals, companies, associations or corporations, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. LeSturgeon:

H. B. No. 126, A bill to be entitled "An Act to protect and promote the fruit and vegetable industry of this State, and to protect the growers, shippers and consumers of fruits and vegetables grown within this State, and to protect and promote the reputation of such fruits and vegetables grown within this State in foreign and domestic markets, and to protect the public against the imposition of fraud in the purchase of such fruits and vegetables by establishing standards for 'containers,' 'packs' and grades for such fruits and vegetables; regulating the manufacture of containers within this State for sale within this State; prescribing the duties of the Commissioner of Markets and Warehouses of this State for the enforcement of this act; prohibiting the use of containers, other than established by this act, for packaging or packing fruits and vegetables grown within this State; inhibiting the packing, selling or transporting of such fruits and vegetables which are unfit for human consumption; prohibiting the degrading or adulteration of such fruits and vegetables; providing for inspection of same and fixing the amount of fees which may be charged therefor; establishing a special fund and appropriating the same for carrying out the purposes of this act; providing for the branding or marketing of containers, when filled; providing for the issuance of inspection certificates

and making such certificates prima facie evidence, as to the grade, quality and condition of the commodity at the time of inspection, for which it was issued; authorizing the Commissioner of Markets and Warehouses of this State to promulgate standards of containers, grades and packs in conformity with those hereafter established by Congress, or the Secretary of Agriculture of the United States, and to promulgate such other standards of containers, grades and packs, and grade names, as in his judgment are expedient and to the best interest of the fruit and vegetable growers of this State; providing for tolerances; providing for supervision of the grading and packing of fruits and vegetables grown within this State by the Commissioner of Markets and Warehouses or inspectors appointed by him; inhibiting the manufacture and sale of containers other than standard within this State for use within this State; defining terms used in this act; prescribing penalties for the violation of the provisions of this act; repealing certain laws and all other laws in conflict herewith, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Lane:

H. B. No. 127, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Cherokee, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 5, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support of the Judicial Department of the State government for the two years beginning September 1, 1923, and ending August 31, 1925," with amendments.

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address the members of

both houses of the Legislature on May 3rd.

Respectfully,
RICHARD BLALOCK,
 Assistant Secretary of the Senate.

**RELATING TO CERTAIN CHARGES
 AGAINST MEMBER OF THE
 HOUSE.**

Mr. Crawford offered the following resolution:

Whereas, Certain charges have been made imputing to Hon. Jos. V. Frnka, a member of the House of Representatives, disgraceful and dishonorable conduct alleged to have occurred while he was residing in the city of Austin in the discharge of his official duties; and

Whereas, Said statements are in effect a reflection upon the integrity and reputation of the House of Representatives, and it is to the interest of the people of Texas that said charges be investigated, to the end that if said charges are not true the House of Representatives may be freed of the charge of having among its membership one who had been guilty of the alleged misconduct, and if said charges are true appropriate action may be taken by the House; therefore, be it

Resolved by the House of Representatives, That a committee of five members of the House be appointed by the Speaker to investigate the alleged misconduct and to report the result of its investigation to the House at the present session; that said committee have authority to issue process and compel the attendance of witnesses; to hold open meetings at such times and places as the committee may deem proper; and to exercise all powers and authority provided by general law for the conduct of legislative investigations; that the expense incurred by said committee in conducting said investigation be paid out of the contingent expense of the House by warrants drawn thereon.

Signed—Crawford, Abney, Jennings.

The resolution was read second time and was adopted.

RELATING TO NIGHT SESSIONS.

Mr. McDonald offered the following resolution:

Whereas, Under the Constitution of the State the Second Called Session of the Thirty-eighth Legislature of the State of Texas has only fifteen more days to work; and

Whereas, We have used several days in visiting some of our prominent cities, oil fields and the citrus valley; and

Whereas, We have not made the necessary appropriations for the maintenance of our schools, and the various departments of the State; therefore, be it

Resolved, That we hold at least six night sessions that we may avoid the calling of another extra session, thereby incurring an unnecessary expense to the State.

The resolution was read second time.

Mr. Culp moved that the resolution be referred to the Committee on State Affairs.

Mr. Westbrook moved the previous question on the pending motion and the resolution, and the main question was ordered.

Question first recurring on the motion to refer, it was lost.

Question then recurring on the resolution, it was lost.

**RELATING TO INSPECTING FARM
 INTERESTS OF THE STATE.**

The Speaker laid before the House, for consideration at this time, the resolution offered on yesterday by Mr. Cable, relating to inspection of the farming interests of the State.

The resolution having been read second time on yesterday.

Question recurring on the resolution, it was adopted.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Stewart of Edwards; House bills Nos. 113 and 116 were ordered not printed.

**MOTION TO RECOMMIT HOUSE
 BILL NO. 64.**

Mr. Culp moved that House bill No. 64 be recommitted to the Committee on Revenue and Taxation.

On motion of Mr. LeSturgeon, the motion to recommit was tabled.

MESSAGE FROM THE SENATE.

Senate Chamber,
 Austin, Texas, May 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 8, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1923, and ending August 31, 1925, as follows, to-wit: Confederate Woman's Home; State Confederate Home; State Lunatic Asylum; State Pasteur Institute; Southwestern Insane Asylum; North Texas Hospital for the Insane; East Texas Hospital for the Insane; State Epileptic Colony; State Orphans Home; State Institution for Training of Juveniles; Girls' Training School; State Colony for Feeble-Minded; State Tuberculosis Sanatorium; Hospital for Crippled Children; Deaf, Dumb and Blind Institute for Colored Youths; Northwest Texas Insane Asylum; State Home for Dependent and Neglected Children, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

BILL RE-REFERRED.

On motion of Mr. Quinn, House bill No. 120 was withdrawn from the Committee on Insurance and referred to the Committee on Revenue and Taxation.

BILL WITHDRAWN.

Mrs. Wilmans, by unanimous consent, withdrew House bill No. 118 from the Committee on Judicial Districts for correction.

HOUSE BILL NO. 5 WITH SENATE AMENDMENTS.

Mr. Quaid called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 5, A bill to be entitled "An Act making appropriation to pay salaries of judges, and the support of the Judicial Department of the State government for the two years beginning September 1, 1923, and ending August 31, 1925."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Quaid moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

ENDORSING CERTAIN SCHOOL LEGISLATION.

On motion of Mr. Rountree, the following resolution, endorsing certain school legislation, was ordered printed in the Journal:

The following resolutions were unanimously adopted by the Hunt County Chamber of Commerce in session at Greenville, Texas, April 27, 1923:

Whereas, An enlightened public sentiment is the only safeguard of a democratic government; and

Whereas, The public free schools are the only effective means for educating the public; and

Whereas, The teacher-training institutions of the State are endeavoring to the best of their ability with the means at hand to fit and qualify teachers for service in the public free schools; therefore, be it

Resolved:

First. That the Hunt County Chamber of Commerce favors such action by the Legislature as will insure adequate support for the public free schools of the State as well as for all the institutions of higher learning, to the end that all the children of free school age may be furnished equal educational opportunities.

Second. That the Hunt County Chamber of Commerce favors such legislation as will enable the teacher-training institutions of the State to carry on their work of training teachers for the public free schools in a manner that is in keeping with the importance of public education and in keeping with the ability of the State to maintain properly its educational institutions.

Third. That a copy of these resolutions be furnished the Hon. C. E. Dinkle, the Hon. Joe M. Moore and the Hon. Woodville Rogers, our Representatives in the Legislature.

(Signed) JOE BECTON,

President.

V. E. CONWAY,

Secretary.

RELATING TO CONSOLIDATION OF CERTAIN STATE DEPARTMENTS.

The Speaker laid before the House, as unfinished business, for consideration at this time,

H. C. R. No. 7, Relating to consolidation of certain State departments.

The resolution having been read sec-

ond time on yesterday, with motion by Mr. Pope to lay the resolution on the table subject to call pending.

Mr. Pope withdrew the motion to lay the resolution on the table subject to call.

Question then recurring on the resolution, it was adopted.

HOUSE BILL NO. 51 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 51, A bill to be entitled "An Act amending Section 3 and Section 5 of an act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas,' etc., being Senate bill No. 118, Chapter 29 of the Regular Session Laws, so as to prevent the unlawful expenditure of the State text book fund and inhibit the unlawful purchase of unnecessary free text books, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Bell raised a point of order on consideration of the bill on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

Mr. Fields moved the previous question on the point of order, and the main question was ordered.

Mr. Burmeister moved to reconsider the vote by which the previous question was ordered and the motion to reconsider was lost.

Question recurring on the point of order by Mr. Bell, yeas and nays were demanded.

The House refused to sustain the point of order by the following vote:

Yeas—52.

Abney.	Carpenter
Baker of Milam.	of Matagorda.
Baker of Orange.	Carter of Hays.
Barrett.	Coffee.
Bell.	Collins.
Bryant.	Covey.

Driggers.
Durham.
Edwards.
Gipson.
Greer.
Hardin of Erath.
Harrington.
Harris.
Henderson
of Marion.
Hendricks.
Jacks.
Kemble.
Lackey.
LeMaster.
Loftin.
McBride.
McKean.
McNatt.
Martin.
Mathes.
Maxwell.

Amaler.
Arnold.
Atkinson.
Avis.
Baldwin.
Barker.
Beasley.
Bird.
Burmeister.
Cable.
Cowen.
Culp.
Davenport.
Davis.
DeBerry.
Dielmann.
Downs.
Duffey.
Dunlap.
Fields.
Finlay.
Henderson
of McLennan.
Houston.
Howeth.
Irwin.
Jennings.
Johnson.
Laird.
Lane.
LeSturgeon.

Bobbitt.
Carson.
Carter of Coke.
Chitwood.
Crawford.
Dinkle.
Dodd.
Dunn.
Frnka.
Fugler.

Moore.
Morgan
of Liberty.
Patman.
Patterson.
Quaid.
Rice.
Rountree.
Sackett.
Sanford.
Satterwhite.
Stewart of Reeves.
Stroder.
Sweet.
Turner.
Wallace.
Wells.
Westbrook.
Williamson.
Wilson.
Winfree.

Nays—58.

Looney.
McDaniel.
McDonald.
McFarlane.
Melson.
Merritt.
Miller.
Pate.
Perdue.
Pinkston.
Pool.
Pope.
Potter.
Quinn.
Rogers.
Rowland.
Russell
of Callahan.
Shearer.
Simpson.
Sparkman.
Stell.
Stevens.
Stewart
of Edwards.
Stewart of Jasper.
Storey.
Strickland.
Thompson.
Vaughan.
Young.

Absent.

Green.
Hardin
of Kaufman.
Hughes.
Hull.
Lamb.
Lewis.
Montgomery.
Morgan
of Robertson.

Price.	Stiernberg.
Purl.	Teer.
Robinson.	Thrasher.
Shires.	Wessels.
Smith.	Wilmans.

Absent—Excused.

Blount.	Jones.
Bonham.	Lusk.
Carpenter	Merriman.
of Dallas.	Russell of Trinity.
Faubion.	

Mr. Satterwhite moved that further consideration of the bill be postponed until 11 o'clock a. m. next Friday.

On motion of Mr. Pope, the motion to postpone was tabled.

EXTENDING USE OF THE HALL.

Mr. Smith offered the following resolution:

Whereas, The Texas Radio Corporation will tonight at 8 o'clock broadcast a special program for the entertainment of the legislators; and

Whereas, Several of the speakers on the program are members of the House and Senate; and

Whereas, It is desired to give the entire Legislature the pleasure and benefit of the program; therefore, be it

Resolved, That the Texas Radio Corporation be allowed to place in the House for this evening at 8 o'clock a radio receiver and a loud speaking instrument, through which the program may be heard all over the House chamber.

The resolution was read second time and was adopted.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address the Legislature.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 8, to the Committee on Appropriations.

RECESS.

Mr. Miller moved that the House recess to 2 o'clock p. m. today.

Mr. Quinn moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Miller prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

MESSAGE FROM THE GOVERNOR.

John H. Johnson, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, May 2, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: I hereby submit to you, for your legislative consideration and action, the following subjects:

1. An act abolishing what is known as special funds in the State Treasury set aside therein for special and particular purposes, and placing all moneys that are in the State Treasury, and all public funds received by and through the various officers and departments of the State government, in the general revenue fund so that all money shall not only go into the public treasury, but shall be paid out of the public treasury on general warrants, in order that the general revenue will get the benefit of all public funds.

2. A law providing for the quarantine of any area of land within the State found to be infested with any dangerous insect pest, plant disease, or other destructive evils, and providing for such remedial measures within such quarantine area as are necessary for the eradication of such pests.

3. According to the United States census of 1920, there are at this time in Texas approximately 300,000 persons over ten years of age who can neither read nor write. This great percentage of illiteracy among our people is a menace to our prosperity and should not exist. Looking to the elimination of illiteracy, I hereby recommend the

passage of a law creating an Illiteracy Commission, defining its powers and duties to the end that the large per cent of our illiterates be decreased as rapidly as possible. Many States have already adopted a policy of this kind.

4. The Federal Congress recently passed what is known as the Lenroot-Anderson Rural Credit Act, providing that property owners in the several States under certain conditions could secure money at a low rate of interest. In order, therefore, that the farmers and stockmen of Texas may receive the benefits of this act, and secure loans at a low rate of interest, I hereby submit to you for your deliberations, this subject matter, together with the entire law pertaining to Federal farm loans.

5. A law authorizing cities having more than 5000 inhabitants on application of property owners, to establish illuminating districts in said cities and to construct and maintain a system of artificial lights to be paid for in keeping with an agreement entered into by and between the abutting property owners of said district and the governing authorities in said cities.

6. A law authorizing the sale and delivery of bonds by county judges, mayors, trustees of independent school districts, and their successors in office.

7. A law to regulate, supervise and prevent fraud in the sale and purchase in the State of Texas of stocks, stock certificates and bonds of joint stock companies, brokers, partnerships and other organizations, defining what shall constitute violations of the law in regard to the issuance and sale of said stock certificates, and providing a punishment therefor.

8. The work and compensation of county commissioners, and the work and compensation to be paid tax assessors for the assessment of property for taxation, are hereby submitted.

9. For many years there has been a tendency to put too many people on the State payroll. This custom has caused the useless expenditure of money, lessened efficiency, and resulted in an overlapping of governmental work. We have at this time in Texas too many traveling representatives. Too much of the government is on wheels. The State has grown in its governmental affairs too heavy. The overhead expenses of doing the business of the State government is too heavy for the underpinning of our governmental structure. We have too much machinery. We need

elimination, co-operation, and co-ordination. Every office, every board and bureau, and every department not absolutely necessary for the efficient and economic administration of the government should be abolished. The Department of Agriculture, the Markets and Warehouse Department, the Live Stock Sanitary Commission, the Agricultural and Mechanical College, the College of Industrial Arts are duplicating work along certain lines. The Department of Labor and the Mining Board travel over the same territory, doing practically, in a number of instances, the same character of work. We have too many departments dealing with various phases of insurance; as a matter of fact, all insurance matters should be under one directing head, responsible for the efficient and economic administration of all branches of insurance supervised by the State. I submit to you for your consideration the abolishment, the consolidation, and the co-ordination of those institutions of the State and those departments of the State government which duplicate and overlap in their work.

10. It is said that 75,000 citizens of Texas a year die from preventable diseases. The health of our people is of prime importance and nothing should be left undone in the State looking to the protection of the people from disease and from the inefficiency and incompetency of those who assume the responsibility of treating preventable diseases. All such owe a duty, not only to the individual treated, but to the public generally. In the crusade in behalf of a healthy and able-bodied people, the Health Department should lead the way in sanitation and in the elimination of preventable diseases. The State Health Officer should be paid a salary commensurate with the responsibilities of his far-reaching duties. The present bureaus and boards now constituting a part of the Health Department should all be abolished and the State Health Officer should constitute the one directing head of that department, responsible for all things pertaining to the work of that department. The present law in regard to commissioners courts employing county health officers and nurses should be amended so that these respective officers could be employed by the commissioners court for full time, under the general direction of the State Health Officer, with compensation in keeping with duties performed. The

present Medical Practice Act should be amended authorizing the Board of Medical Examiners, or some other established and recognized board, to cancel the license of doctors who constantly and persistently fail and refuse to furnish to the State Health Department birth and death certificates, and who fail and refuse to report contagious diseases treated by them.

In connection with the foregoing thoughts, there is hereby submitted to you for your legislative consideration, the entire renovation of the present Health Department, the passage of such laws as will stay the destructive march of preventable diseases, the passage of such other laws as will make more efficient the work of the State Health Department, the treatment and prevention of diseases, and make more effective the health and sanitary conditions in the municipalities and counties of the State.

11. There is hereby submitted to you for the passage of such laws as may to you seem wise, looking to the protection of the overflow lands and towns in the counties bordering on, and adjacent to the Gulf of Mexico, from the flood waters of our Texas streams, at or near the place where said streams empty into the Gulf of Mexico.

12. (Local.) The creation, the establishment, and the incorporation of common or independent school districts, and the issuance of bonds, and all local legislative matters pertaining thereto is hereby submitted to you in regard to each and all of the counties of the State. You are authorized to pass special road laws for Cherokee, Guadalupe, San Patricio, and Brazoria counties; also to pass an amendment to the present law in regard to the terms of holding court in the Sixty-third Judicial District, in the Seventy-second Judicial District of the State; also the terms of holding district court in Denton and in Cooke counties; an act authorizing and empowering the city of Perryton, in Ochiltree county, to close certain streets in said town, and make proper financial adjustment with all interested parties thereto, together with the validation of city ordinances heretofore passed concerning same; a law regulating the catching and sale of fish in Taylor county, Texas; providing that counties with a population of 10,000, or less, may contract for the construction of toll bridges, giving the commissioners court authority to levy the amount of said tolls and to limit the number of years

same to be paid; an act extending for a period of two years oil and gas permit No. 2609, providing for the development of oil and gas in San Jacinto Bay, Harris county, Texas.

15. Amending House bill No. 13, regarding the employment agency law, passed by the Regular Session of the Thirty-eighth Legislature in regard to employment agency bureaus.

16. An act authorizing the Railroad Commission of Texas to grant reparation to shippers of goods, wares and merchandise, between points wholly within the State of Texas when the Commission shall find that an unjust and unreasonable rate has been charged by a common carrier.

17. The mode or manner of executing the orders of the courts of our State in regard to death sentences, is hereby presented for your consideration.

In submitting the above subjects, it is not intended to convey the thought that I am under any implied obligation to approve any bill that may be passed by virtue of the above subjects having been presented to you for legislative consideration.

Respectfully submitted,
PAT M. NEFF,
Governor.

HOUSE BILL NO. 51 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 51, relating to the purchasing and distribution of free text books, on its passage to engrossment.

Mr. Bell offered the following amendment to the bill:

Amend House bill No. 51 by striking out the enacting clause.

Mr. Satterwhite moved the previous question on the pending amendment and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—46.

Baker of Milam.	Davis.
Baker of Orange.	Durham.
Bell.	Fugler.
Carpenter	Gipson.
of Matagorda.	Greer.
Carter of Hays.	Harrington.
Collins.	Harris.
Covey.	Henderson
Cowen.	of Marion.

Hendricks.	Quaid.
Jennings.	Rice.
Kemble.	Rountree.
Lackey.	Satterwhite.
LeMaster.	Shires.
McNatt.	Smith.
Martin.	Sparkman.
Mathes.	Stewart of Reeves.
Morgan	Strickland.
of Liberty.	Sweet.
Morgan	Thrasher.
of Robertson.	Wallace.
Patman.	Wells.
Patterson.	Wilmans.
Pinkston.	Wilson.
Price.	Winfree.

Nays—60.

Abney.	Loftin.
Amsler.	Looney.
Arnold.	McBride.
Atkinson.	McDaniel.
Avis.	McDonald.
Baldwin.	McFarlane.
Barker.	McKean.
Barrett.	Maxwell.
Beasley.	Melson.
Bird.	Merritt.
Bonham.	Moore.
Bryant.	Pate.
Burmeister.	Perdue.
Cable.	Pool.
Carson.	Pope.
Culp.	Potter.
Davenport.	Quinn.
DeBerry.	Robinson.
Dielmann.	Rowland.
Downs.	Russell
Driggers.	of Callahan.
Duffey.	Sanford.
Dunlap.	Shearer.
Dunn.	Simpson.
Edwards.	Stell.
Fields.	Stevens.
Finlay.	Stewart
Green.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Storey.
Houston.	Stroder.
Howeth.	Teer.
Irwin.	Thompson.
Laird.	Vaughan.
Lane.	Westbrook.
LeSturgeon.	Young.
Lewis.	

Absent.

Bobbitt.	Hardin
Carter of Coke.	of Kaufman.
Chitwood.	Hughes.
Coffee.	Hull.
Crawford.	Jacks.
Dinkle.	Johnson.
Dodd.	Lamb.
Frnka.	Miller.
Hardin of Erath.	Montgomery.

Purl.	Stiernberg.
Rogers.	Turner.
Russell of Trinity.	Wessels.
Sackett.	Williamson.

Absent—Excused.

Blount.	Jones.
Carpenter	Lusk.
of Dallas.	Merriman.
Faubion.	

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 51 was then passed to engrossment by the following vote:

Yeas—68.

Abney.	LeSturgeon.
Amsler.	Lewis.
Arnold.	Loftin.
Atkinson.	Looney.
Avis.	McDaniel.
Baldwin.	McDonald.
Barker.	McFarlane.
Barrett.	McKean.
Beasley.	Melson.
Bird.	Merritt.
Bonham.	Pate.
Bryant.	Perdue.
Burmeister.	Pool.
Cable.	Pope.
Carson.	Potter.
Cowen.	Quinn.
Davenport.	Robinson.
DeBerry.	Rowland.
Dielmann.	Russell
Downs.	of Callahan.
Driggers.	Shearer.
Duffey.	Simpson.
Dunlap.	Sparkman.
Dunn.	Stell.
Edwards.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Henderson	Stewart of Jasper.
of McLennan.	Storey.
Houston.	Strickland.
Howeth.	Stroder.
Irwin.	Teer.
Lackey.	Thompson.
Laird.	Vaughan.
Lane.	Westbrook.
LeMaster.	Young.

Nays—42.

Baker of Milam.	Durham.
Baker of Orange.	Fugler.
Bell.	Gipson.
Carpenter	Greer.
of Matagorda.	Harrington.
Carter of Hays.	Harris.
Collins.	Henderson
Covey.	of Marion.
Davis.	Jennings.

Kemble.	Quaid.
McNatt.	Rice.
Martin.	Sanford.
Mathes.	Satterwhite.
Maxwell.	Shires.
Moore.	Smith.
Morgan	Stewart of Reeves.
of Liberty.	Sweet.
Morgan	Thrasher.
of Robertson.	Wallace.
Patman.	Wells.
Patterson.	Williamson.
Pinkston.	Wilmans.
Price.	Wilson.
Purl.	Winfree.

Absent.

Bobbitt.	Hughes.
Carter of Coke.	Hull.
Chitwood.	Jacks.
Coffee.	Johnson.
Crawford.	Jones.
Culp.	Lamb.
Dinkle.	McBride.
Dodd.	Miller.
Faubion.	Montgomery.
Frnka.	Rogers.
Green.	Rountree.
Hardin of Erath.	Sackett.
Hardin	Stiernberg.
of Kaufman.	Turner.
Hendricks.	Wessels.

Absent—Excused.

Blount.	Lusk.
Carpenter	Merriman.
of Dallas.	Russell of Trinity.

Mr. Pope moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

ADDRESS BY HON. DE LEON HARP.

Mr. Carson offered the following resolution:

Whereas, Former Representative and Senator, Hon. DeLeon Harp, of Limestone county and Tom Green county, is within the bar of the House; therefore, be it

Resolved, That he be invited to address the House.

Signed—Carson, Rountree.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Hon. DeLeon Harp to the Speaker's stand:

Messrs. Stewart of Edwards, Rountree and Carson.

The committee having performed their duty, Speaker Seagler presented Mr. Carson, who in turn introduced Hon. DeLeon Harp.

Hon. DeLeon Harp then addressed the House.

HOUSE BILL NO. 12 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act providing for uniformity and equalization of taxation; conferring upon the State Tax Board general supervision over the administration of the laws relating to taxation and over assessors and collectors of taxes and county commissioners courts sitting as boards of equalization, to the end that assessments of all classes of property for purposes of State taxation shall be made relatively just and equal in the several counties of the State; providing for the review by such State Tax Board of the aggregate assessments of the various classes of property in the several counties and empowering it to raise or lower the valuation of any and all classes of property in any county or counties for purpose of State taxation; prescribing the duties of tax assessors and collectors and the county judge and county commissioners with reference to equalization for purposes of State taxes; providing for a hearing and notice before fixing valuations by the State Tax Board; providing for a hearing and notice by the county board of equalization before carrying into effect the orders of the State Tax Board with reference to valuations; authorizing the county commissioners court to adopt the valuation fixed in compliance with the orders of the State Tax Board for purposes of taxes other than State taxes and permitting it to adopt a different valuation for purposes of State taxes if it elects to do so; enacting provisions necessary and incident to the subject and purpose of the act; amending Articles 7580 and 7350 of the Revised Civil Statutes of Texas; making the necessary changes in the laws relating to the duties of tax assessors, tax collectors and county boards of equalization, and specifying and fixing dates for the performance thereof, so as to carry into effect the provisions of the act; requiring the tax collector in assessing taxes

under provisions of law authorizing him to do so to conform to the orders and instructions of the State Tax Board, and making it unlawful for tax collectors to collect any State taxes or other taxes until there has been delivered to them a tax roll in which the State taxes show to have been extended on valuations complying with the orders of the State Tax Board; providing for mandamus suits by the State Tax Board and prescribing procedure therein and rules governing appeals therefrom; extending time for payment of taxes without penalty if rolls are not completed by the end of the year; authorizing the State Tax Board to prescribe forms, and to require the descriptions of real estate, and to require that improvements be listed separately from lands and lots on which they are situated in making assessments; providing for the removal of any member of the State Tax Board, assessor or collector of taxes or county judge or county commissioner who shall wilfully fail or refuse to comply with the provisions of the act; declaring the rule of construction in case of invalidity of any provision of the act; providing the time when the act shall take effect, and repealing all laws or parts of laws in conflict herewith."

The bill was read second time.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend House bill No. 12 by adding thereto a new section to be known as Section 4a, to read as follows:

"Section 4a. It shall be the duty of the State Tax Board to investigate the values of the various classes of property, and to fix the value thereof so as to make the same reasonably uniform as between all classes of property, and it shall be its duty to so equalize as to leave the total aggregate value of all the property in the State as nearly as practicable the same in amount as the aggregate of the tax abstracts and tax rolls which it uses as its basis for equalizing; provided, however, that said board may increase such total aggregate value to an amount not exceeding five per cent thereof annually."

(Mr. Shires in the chair.)

Mr. Patman offered the following substitute for the (committee) amendment:

Mr. Bryant moved the previous question on the pending substitute, amendment and the bill, and the motion was not seconded.

Mr. Moore raised a point of order on

further consideration of the bill at this time on the ground that the time for consideration of local bills has arrived.

The Speaker sustained the point of order.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Barrett, House bills Nos. 108 and 87 and Senate bills Nos. 35, 36 and 37 were ordered not printed.

HOUSE BILL NO. 63 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, Creating the Anahuac Independent School District.

The bill was read second time.

On motion of Mr. Shearer, the bill was laid on the table subject to call.

HOUSE BILL NO. 78 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 78, A bill to be entitled "An Act creating and defining the Ringgold Independent School District, Montague county, Texas, out of the territory known as Ringgold Independent School District in Montague county, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague county, Texas, with the exclusive control of its public free schools, and vesting the title to all property in said district; providing for the present trustees to continue in office for the term to which elected, and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; providing authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated;

providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof, and further providing that if any section or part hereof is at any time declared to be unconstitutional, it should not affect the other provisions hereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 79 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 79, A bill to be entitled "An Act creating the Montague Independent School District in Montague county, Texas; defining its boundaries, including the Montague Independent School District No. 7, divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the right, power, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 83 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 83, A bill to be entitled "An Act creating, establishing incorporating Common School District No. 17 in Hidalgo county, Texas, containing a portion of the territory in Hidalgo county, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo county; providing for the selection of a board of trustees by the Hidalgo county board of trustees, to hold office until the next regular election, and providing

for the election of trustees thereafter; vesting said district and board of trustees with all the school affairs therein as conferred and imposed by general laws upon common school districts and boards of trustees thereof, organized under the general laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 within the territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15, of certain bonded indebtedness existing against said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this act cumulative of the general laws of the State of Texas, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 87 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 87, A bill to be entitled "An Act to amend House bill No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency."

The bill was read second time.

On motion of Mr. McFarlane, the bill was laid on the table subject to call.

HOUSE BILL NO. 108 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 108, A bill to be entitled

"An Act creating the Frost Independent School District in Navarro county, Texas; defining its boundaries, including the present Common School District No. 60; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Frost Common School District No. 60; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 113 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 113, Creating the Tarpley Independent School District.

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 116 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 116, Creating the Rock Springs Independent School District.

The bill was read second time and was passed to engrossment.

SENATE BILL NO. 35 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 35, Creating the Anahuac Independent School District.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 36 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 36, Creating the Bernardo Independent School District.

The bill was read second time and was passed to third reading.

SENATE BILL NO. 37 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 37, Creating the Velehrad Independent School District.

The bill was read second time and was passed to third reading.

MOTION FOR SPECIAL ORDER.

Mr. Jacks moved that House bill No. 115 be set as special order for 2 o'clock p. m. tomorrow, and the motion was lost.

(Speaker in the chair.)

ADJOURNMENT.

On motion of Mr. Wallace, the House, at 4:50 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills as follows:

Agriculture—House bills Nos. 107, 110 and 114.

School Districts—House bills Nos. 116, 113 and 83.

Roads, Bridges and Ferries—House bill No. 117.

Revenue and Taxation—House bill No. 64.

Conservation and Reclamation—House bill No. 115.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, May 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 6, "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring mar-

tial law in this State, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

FOURTEENTH DAY.

(Thursday, May 3, 1923.)

The House met at 10:30 o'clock a. m. and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Hendricks.
Amsler.	Houston.
Arnold.	Howeth.
Atkinson.	Irwin.
Avis.	Jacks.
Baker of Milam.	Jennings.
Baker of Orange.	Johnson.
Barker.	Kemble.
Beasley.	Lane.
Bell.	LeMaster.
Bird.	Lewis.
Bonham.	Loftin.
Bryant.	Looney.
Burmeister.	McBride.
Cable.	McDaniel.
Carpenter	McDonald.
of Dallas.	McFarlane.
Carpenter	McKean.
of Matagorda.	McNatt.
Carson.	Martin.
Carter of Hays.	Maxwell.
Coffee.	Merritt.
Collins.	Miller.
Covey.	Montgomery.
Cowen.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Davenport.	Morgan
DeBerry.	of Robertson.
Dinkle.	Patterson.
Downs.	Perdue.
Driggers.	Pinkston.
Duffey.	Pool.
Dunlap.	Pope.
Dunn.	Potter.
Durham.	Price.
Edwards.	Purl.
Fields.	Quinn.
Finlay.	Rice.
Fugler.	Rogers.
Gipson.	Rowland.
Greer.	Russell
Hardin of Erath.	of Callahan.
Harrington.	Sackett.
Harris.	Sanford.
Henderson	Shearer.
of Marion.	Shires.

Simpson.	Teer.
Sparkman.	Thompson.
Stell.	Thrasher.
Stevens.	Turner.
Stewart	Vaughan.
of Edwards.	Wallace.
Stewart of Jasper.	Wells.
Stewart of Reeves.	Westbrook.
Stiernberg.	Wessels.
Storey.	Williamson.
Strickland.	Wilmans.
Stroder.	Wilson.
Sweet.	Young.

Absent.

Baldwin.	Jones.
Barrett.	Lackey.
Bobbitt.	Laird.
Carter of Coke.	Lamb.
Chitwood.	LeSturgeon.
Davis.	Mathes.
Dielmann.	Melson.
Dodd.	Merriman.
Faubion.	Pate.
Frnka.	Patman.
Green.	Quaid.
Hardin	Robinson.
of Kaufman.	Russell of Trinity.
Henderson	Satterwhite.
of McLennan.	Smith.
Hughes.	Winfree.
Hull.	

Absent—Excused.

Blount.

Lusk.

A quorum was announced present.

ADJOURNMENT.

Mr. Moore moved that the House adjourn until 10 o'clock a. m. tomorrow out of respect to our deceased member, Hon. Lee J. Rountree.

Mr. Stewart of Reeves moved that the House adjourn until 9 o'clock a. m. tomorrow out of respect to our deceased member, Hon. Lee J. Rountree.

The motion of Mr. Stewart of Reeves prevailed, and the House, accordingly, at 10:40 o'clock a. m., adjourned until 9 o'clock a. m. tomorrow.

FIFTEENTH DAY.

(Friday, May 4, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present: